106TH CONGRESS H. R. 1143

AN ACT

To establish a program to provide assistance for programs of credit and other financial services for microenterprises in developing countries, and for other purposes.

106TH CONGRESS 1ST SESSION

H. R. 1143

AN ACT

To establish a program to provide assistance for programs of credit and other financial services for microenterprises in developing countries, and for other purposes.

- 1 Be it enacted by the Senate and House of Representa-
- 2 tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

2	This Ac	may be	cited	as t	the	"Microenterprise	for
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- 3 Self-Reliance Act of 1999".
- 4 SEC. 2. FINDINGS AND DECLARATIONS OF POLICY.
- 5 The Congress makes the following findings and dec-
- 6 larations:

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- 7 (1) According to the World Bank, more than 8 1,200,000,000 people in the developing world, or 9 one-fifth of the world's population, subsist on less
- 10 than \$1 a day.
- 11 (2) Over 32,000 of their children die each day 12 from largely preventable malnutrition and disease.
- 13 (3)(A) Women in poverty generally have larger 14 work loads and less access to educational and eco-15 nomic opportunities than their male counterparts.
 - (B) Directly aiding the poorest of the poor, especially women, in the developing world has a positive effect not only on family incomes, but also on child nutrition, health and education, as women in particular reinvest income in their families.
- 21 (4)(A) The poor in the developing world, par-22 ticularly women, generally lack stable employment 23 and social safety nets.
- 24 (B) Many turn to self-employment to generate 25 a substantial portion of their livelihood. In Africa,

- over 80 percent of employment is generated in the informal sector of the self-employed poor.
 - (C) These poor entrepreneurs are often trapped in poverty because they cannot obtain credit at reasonable rates to build their asset base or expand their otherwise viable self-employment activities.
 - (D) Many of the poor are forced to pay interest rates as high as 10 percent per day to money lenders.
 - (5)(A) The poor are able to expand their incomes and their businesses dramatically when they can access loans at reasonable interest rates.
 - (B) Through the development of self-sustaining microfinance programs, poor people themselves can lead the fight against hunger and poverty.
 - (6)(A) On February 2–4, 1997, a global Microcredit Summit was held in Washington, District of Columbia, to launch a plan to expand access to credit for self-employment and other financial and business services to 100,000,000 of the world's poorest families, especially the women of those families, by 2005.
 - (B) With an average family size of five, achieving this goal will mean that the benefits of micro-

- finance will thereby reach nearly half of the world's
 more than 1,000,000,000 absolute poor people.
- (7)(A) Nongovernmental organizations, such as those that comprise the Microenterprise Coalition (such as the Grameen Bank (Bangladesh,) K–REP (Kenya), and networks such as Accion International, the Foundation for International Community Assistance (FINCA), and the credit union movement) are successful in lending directly to the very poor.
 - (B) Microfinance institutions such as BRAC (Bangladesh), BancoSol (Bolivia), SEWA Bank (India), and ACEP (Senegal) are regulated financial institutions that can raise funds directly from the local and international capital markets.
 - (8)(A) Microenterprise institutions not only reduce poverty, but also reduce the dependency on foreign assistance.
 - (B) Interest income on the credit portfolio is used to pay recurring institutional costs, assuring the long-term sustainability of development assistance.
 - (9) Microfinance institutions leverage foreign assistance resources because loans are recycled, generating new benefits to program participants.

- (10)(A) The development of sustainable microfinance institutions that provide credit and training, and mobilize domestic savings, are critical components to a global strategy of poverty reduction and broad-based economic development.
 - (B) In the efforts of the United States to lead the development of a new global financial architecture, microenterprise should play a vital role. The recent shocks to international financial markets demonstrate how the financial sector can shape the destiny of nations. Microfinance can serve as a powerful tool for building a more inclusive financial sector which serves the broad majority of the world's population including the very poor and women and thus generate more social stability and prosperity.
 - (C) Over the last two decades, the United States has been a global leader in promoting the global microenterprise sector, primarily through its development assistance programs at the United States Agency for International Development. Additionally, the United States Department of the Treasury and the Department of State have used their authority to promote microenterprise in the development programs of international financial institutions and the United Nations.

- 1 (11)(A) In 1994, the United States Agency for 2 International Development launched the "Micro-3 enterprise Initiative" in partnership with the Con-4 gress.
 - (B) The initiative committed to expanding funding for the microenterprise programs of the Agency, and set a goal that, by the end of fiscal year 1996, half of all microenterprise resources would support programs and institutions that provide credit to the poorest, with loans under \$300.
 - (C) In order to achieve the goal of the microcredit summit, increased investment in microcredit institutions serving the poorest will be critical.
 - (12) Providing the United States share of the global investment needed to achieve the goal of the microcredit summit will require only a small increase in United States funding for international microcredit programs, with an increased focus on institutions serving the poorest.
 - (13)(A) In order to reach tens of millions of the poorest with microcredit, it is crucial to expand and replicate successful microcredit institutions.
 - (B) These institutions need assistance in developing their institutional capacity to expand their services and tap commercial sources of capital.

- (14) Nongovernmental organizations have demonstrated competence in developing networks of local microfinance institutions and other assistance delivery mechanisms so that they reach large numbers of the very poor, and achieve financial sustainability.
 - (15) Recognizing that the United States Agency for International Development has developed very effective partnerships with nongovernmental organizations, and that the Agency will have fewer missions to carry out its work, the Agency should place priority on investing in those nongovernmental network institutions that meet performance criteria through the central funding mechanisms of the Agency.
 - (16) By expanding and replicating successful microcredit institutions, it should be possible to create a global infrastructure to provide financial services to the world's poorest families.
 - (17)(A) The United States can provide leadership to other bilateral and multilateral development agencies as such agencies expand their support to the microenterprise sector.
 - (B) The United States should seek to improve coordination among G-7 countries in the support of the microenterprise sector in order to leverage the

- investment of the United States with that of otherdonor nations.
- 18) Through increased support for microenterprise, especially credit for the poorest, the United States can continue to play a leadership role in the global effort to expand financial services and opportunity to 100,000,000 of the poorest families on the planet.

9 SEC. 3. PURPOSES.

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- The purposes of this Act are—
 - (1) to make microenterprise development an important element of United States foreign economic policy and assistance;
 - (2) to provide for the continuation and expansion of the commitment of the United States Agency for International Development to the development of microenterprise institutions as outlined in its 1994 Microenterprise Initiative;
 - (3) to support and develop the capacity of United States and indigenous nongovernmental organization intermediaries to provide credit, savings, training and technical services to microentrepreneurs;
- 24 (4) to increase the amount of assistance de-25 voted to credit activities designed to reach the poor-

1	est sector in developing countries, and to improve
2	the access of the poorest, particularly women, to
3	microenterprise credit in developing countries; and
4	(5) to encourage the United States Agency for
5	International Development to coordinate micro-
6	finance policy, in consultation with the Department
7	of the Treasury and the Department of State, and
8	to provide global leadership in promoting micro-
9	enterprise for the poorest among bilateral and multi-
10	lateral donors.
11	SEC. 4. MICROENTERPRISE DEVELOPMENT GRANT ASSIST
12	ANCE.
13	Chapter 1 of part I of the Foreign Assistance Act
14	of 1961 (22 U.S.C. 2151 et seq.) is amended—
15	(1) by redesignating the second section 129 (as
16	added by section 4 of the Torture Victims Relief Act
17	of 1998 (Public Law 105–320)) as section 130; and
18	(2) by adding at the end the following new sec-
19	tion:
20	"SEC. 131. MICROENTERPRISE DEVELOPMENT GRANT AS
21	SISTANCE.
22	"(a) FINDINGS AND POLICY.—The Congress finds
23	and declares that—
24	"(1) the development of microenterprise is a
25	vital factor in the stable growth of developing coun-

1	tries and in the development of free, open, and equi-
2	table international economic systems;
3	"(2) it is therefore in the best interest of the
4	United States to assist the development of micro-
5	enterprises in developing countries; and
6	"(3) the support of microenterprise can be
7	served by programs providing credit, savings, train-
8	ing, and technical assistance.
9	"(b) Authorization.—(1) In carrying out this part,
10	the President is authorized to provide grant assistance for
11	programs to increase the availability of credit and other
12	services to microenterprises lacking full access to capital
13	and training through—
14	"(A) grants to microfinance institutions for the
15	purpose of expanding the availability of credit, sav-
16	ings, and other financial services to microentre-
17	preneurs;
18	"(B) training, technical assistance, and other
19	support for microenterprises to enable them to make
20	better use of credit, to better manage their enter-
21	prises, and to increase their income and build their
22	assets;
23	"(C) capacity building for microfinance institu-
24	tions in order to enable them to better meet the
25	credit and training needs of microentrepreneurs; and

1	"(D) policy and regulatory programs at the
2	country level that improve the environment for
3	microfinance institutions that serve the poor and
4	very poor.
5	"(2) Assistance authorized under paragraph (1) shall
6	be provided through organizations that have a capacity to
7	develop and implement microenterprise programs, includ-
8	ing particularly—
9	"(A) United States and indigenous private and
10	voluntary organizations;
11	"(B) United States and indigenous credit
12	unions and cooperative organizations;
13	"(C) other indigenous governmental and non-
14	governmental organizations; or
15	"(D) business development services, including
16	indigenous craft programs.
17	"(3) In carrying out sustainable poverty-focused pro-
18	grams under paragraph (1), 50 percent of all microenter-
19	prise resources shall be used for direct support of pro-
20	grams under this subsection through practitioner institu-
21	tions that provide credit and other financial services to
22	the poorest with loans of \$300 or less in 1995 United
23	States dollars and can cover their costs of credit programs
24	with revenue from lending activities or that demonstrate

the capacity to do so in a reasonable time period.

1	"(4) The President should continue support for cen-
2	tral mechanisms and missions that—
3	"(A) provide technical support for field mis-
4	sions;
5	"(B) strengthen the institutional development
6	of the intermediary organizations described in para-
7	graph (2);
8	"(C) share information relating to the provision
9	of assistance authorized under paragraph (1) be-
10	tween such field missions and intermediary organiza-
11	tions; and
12	"(D) support the development of nonprofit glob-
13	al microfinance networks, including credit union sys-
14	tems, that—
15	"(i) are able to deliver very small loans
16	through a vast grassroots infrastructure based
17	on market principles; and
18	"(ii) act as wholesale intermediaries pro-
19	viding a range of services to microfinance retail
20	institutions, including financing, technical as-
21	sistance, capacity building and safety and
22	soundness accreditation.
23	"(5) Assistance provided under this subsection may
24	only be used to support microenterprise programs and

1	may not be used to support programs not directly related
2	to the purposes described in paragraph (1).
3	"(c) Monitoring System.—In order to maximize
4	the sustainable development impact of the assistance au-
5	thorized under subsection $(a)(1)$, the Administrator of the
6	United States Agency for International Development shall
7	establish a monitoring system that—
8	"(1) establishes performance goals for such as-
9	sistance and expresses such goals in an objective and
10	quantifiable form, to the extent feasible;
11	"(2) establishes performance indicators to be
12	used in measuring or assessing the achievement of
13	the goals and objectives of such assistance;
14	"(3) provides a basis for recommendations for
15	adjustments to such assistance to enhance the sus-
16	tainable development impact of such assistance, par-
17	ticularly the impact of such assistance on the very
18	poor, particularly poor women; and
19	"(4) provides a basis for recommendations for
20	adjustments to measures for reaching the poorest of
21	the poor, including proposed legislation containing
22	amendments to improve paragraph (3).
23	"(d) Authorization of Appropriations.—
24	"(1) In general.—(A) There are authorized
25	to be appropriated \$152,000,000 for fiscal year

1	2000 and \$167,000,000 for fiscal year 2001 to carry
2	out this section.
3	"(B) Amounts appropriated pursuant to the au-
4	thorization of appropriations under subparagraph
5	(A) are authorized to remain available until ex-
6	pended.
7	"(2) Rule of Construction.—Amounts au-
8	thorized to be appropriated under paragraph (1) are
9	in addition to amounts otherwise available to carry
10	out this section.".
11	SEC. 5. MICRO- AND SMALL ENTERPRISE DEVELOPMENT
12	CREDITS.
13	Section 108 of the Foreign Assistance Act of 1961
14	(22 U.S.C. 2151f) is amended to read as follows:
15	"SEC. 108. MICRO- AND SMALL ENTERPRISE DEVELOPMENT
16	CREDITS.
17	"(a) FINDINGS AND POLICY.—The Congress finds
18	and declares that—
19	"(1) the development of micro- and small enter-
20	prises are a vital factor in the stable growth of de-
21	veloping countries and in the development and sta-
22	bility of a free, open, and equitable international
23	economic system; and
24	"(2) it is, therefore, in the best interests of the
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- 1 prises of the poor in developing countries and to en-
- 2 gage the United States private sector in that proc-
- ess.
- 4 "(b) Program.—To carry out the policy set forth in
- 5 subsection (a), the President is authorized to provide as-
- 6 sistance to increase the availability of credit to micro- and
- 7 small enterprises lacking full access to credit, including
- 8 through—
- 9 "(1) loans and guarantees to credit institutions
- for the purpose of expanding the availability of cred-
- it to micro- and small enterprises;
- 12 "(2) training programs for lenders in order to
- enable them to better meet the credit needs of
- microentrepreneurs; and
- 15 "(3) training programs for microentrepreneurs
- in order to enable them to make better use of credit
- and to better manage their enterprises.
- 18 "(c) Eligibility Criteria.—The Administrator of
- 19 the United States Agency for International Development
- 20 shall establish criteria for determining which entities de-
- 21 scribed in subsection (b) are eligible to carry out activities,
- 22 with respect to micro- and small enterprises, assisted
- 23 under this section. Such criteria may include the following:

1	"(1) The extent to which the recipients of credit
2	from the entity do not have access to the local for-
3	mal financial sector.
4	"(2) The extent to which the recipients of credit
5	from the entity are among the poorest people in the
6	country.
7	"(3) The extent to which the entity is oriented
8	toward working directly with poor women.
9	"(4) The extent to which the entity recovers its
10	cost of lending to the poor.
11	"(5) The extent to which the entity implements
12	a plan to become financially sustainable.
13	"(d) Additional Requirement.—Assistance pro-
14	vided under this section may only be used to support
15	micro- and small enterprise programs and may not be used
16	to support programs not directly related to the purposes
17	described in subsection (b).
18	"(e) Authorization of Appropriations.—
19	"(1) In general.—(A) There are authorized
20	to be appropriated \$1,500,000 for each of the fiscal
21	years 2000 and 2001 to carry out this section.
22	"(B) Amounts authorized to be appropriated
23	under subparagraph (A) shall be made available for
24	the subsidy cost, as defined in section 502(5) of the

- Federal Credit Reform Act of 1990, for activities under this section.
- 3 "(2) Administrative expenses.—There are 4 authorized to be appropriated \$500,000 for each of 5 the fiscal years 2000 and 2001 for the cost of 6 administrative expenses in carrying out this section.
- 7 "(3) RULE OF CONSTRUCTION.—Amounts au-8 thorized to be appropriated under this subsection are 9 in addition to amounts otherwise available to carry 10 out this section.".

11 SEC. 6. MICROFINANCE LOAN FACILITY.

- 12 Chapter 1 of part I of the Foreign Assistance Act
- 13 of 1961 (22 U.S.C. 2151 et seq.), as amended by this Act,
- 14 is further amended by adding the following new section:
- 15 "SEC. 132. UNITED STATES MICROFINANCE LOAN FACILITY.
- 16 "(a) Establishment.—The Administrator of the
- 17 United States Agency for International Development is
- 18 authorized to establish a United States Microfinance Loan
- 19 Facility (hereinafter in this section referred to as the 'Fa-
- 20 cility') to pool and manage the risk from natural disasters,
- 21 war or civil conflict, national financial crisis, or short-term
- 22 financial movements that threaten the long-term develop-
- 23 ment of United States-supported microfinance institu-
- 24 tions.

- 1 "(b) Supervisory Board of the Facility.—(1)
- 2 The Facility shall be supervised by a board composed of
- 3 the following representatives appointed by the President
- 4 not later than 180 days after the date of the enactment
- 5 of Microenterprise for Self-Reliance Act of 1999:
- 6 "(A) one representative from the Department of
- 7 the Treasury.
- 8 "(B) one representative from the Department
- 9 of State.
- 10 "(C) one representative from the United States
- 11 Agency for International Development.
- 12 "(D)(i) two United States citizens from United
- 13 States nongovernmental organizations that operate
- 14 United States-sponsored microfinance activities.
- 15 "(ii) Individuals described in clause (i) shall be
- appointed for a term of 2 years.
- 17 "(2) The Administrator of the United States Agency
- 18 for International Development or his designee shall serve
- 19 as Chairman and an additional voting member of the
- 20 board.
- 21 "(c) DISBURSEMENTS.—(1) The board shall make
- 22 disbursements from the Facility to United States-spon-
- 23 sored microfinance institutions to prevent the bankruptcy
- 24 of such institutions caused by: (A) natural disasters, (B)
- 25 national wars or civil conflict, or (C) national financial cri-

1	sis or other short term financial movements that threaten
2	the long-term development of United States-supported
3	microfinance institutions. Such disbursements shall be
4	made as concessional loans that are repaid maintaining
5	the real value of the loan to microfinance institutions that
6	demonstrate the capacity to resume self-sustained oper-
7	ations within a reasonable time period. The Facility shall
8	provide for loan losses with each loan disbursed.
9	"(2) During each of the fiscal years 2001 and 2002,
10	funds may not be made available from the Facility until
11	15 days after notification of the availability has been pro-
12	vided to the congressional committees specified in section
13	634A of this Act in accordance with the procedures appli-
14	cable to reprogramming notifications under that section.
15	"(d) General Provisions.—
16	"(1) Policy provisions.—In providing the
17	credit assistance authorized by this section, the
18	board should apply, as appropriate, the policy provi-
19	sions in this part applicable to development assist-
20	ance activities.
21	"(2) Default and procurement provi-
22	SIONS.—
23	"(A) Default Provision.—The provi-
24	sions of section 620(q) of this Act, or any com-
25	parable provisions of law, shall not be construed

- to prohibit assistance to a country in the event
 that a private sector recipient of assistance furnished under this section is in default in its
 payment to the United States for the period
 specified in such section.
 - "(B) PROCUREMENT PROVISION.—Assistance may be provided under this section without regard to section 604(a) of this Act.
 - "(3) TERMS AND CONDITIONS OF CREDIT AS-SISTANCE.—(A) Credit assistance provided under this section shall be offered on such terms and conditions, including fees charged, as the board may determine.
 - "(B) The principal amount of loans made or guaranteed under this section in any fiscal year, with respect to any single borrower, may not exceed \$30,000,000.
 - "(C) No payment may be made under any guarantee issued under this section for any loss arising out of fraud or misrepresentation for which the party seeking payment is responsible.
 - "(4) Full faith and credit.—All guarantees issued under this section shall constitute obligations, in accordance with the terms of such guarantees, of the United States of America and the full faith and

- 1 credit of the United States of America is hereby
- 2 pledged for the full payment and performance of
- 3 such obligations to the extent of the guarantee.
- 4 "(e) Report.—Not later than 60 days after the date
- 5 on which the last representative to the board is appointed
- 6 pursuant to subsection (b), the chairman of the board
- 7 shall prepare and submit to the appropriate congressional
- 8 committees a report on the policies, rules, and regulations
- 9 of the Facility.
- 10 "(f) Funding.—(1)(A) Of the amounts made avail-
- 11 able to carry out this part for each of the fiscal years 2000
- 12 and 2001, up to \$5,000,000 may be made available for—
- 13 "(i) the subsidy cost, as defined in section
- 14 502(5) of the Federal Credit Reform Act of 1990,
- 15 to carry out this section; and
- 16 "(ii) subject to subparagraph (B), the cost of
- administrative expenses to carry out this section.
- 18 "(B) Of the amount made available under subpara-
- 19 graph (A) to carry out this section for a fiscal year, not
- 20 more than \$500,000 may be made available for adminis-
- 21 trative expenses under subparagraph (A)(ii).
- 22 "(2) Amounts made available under paragraph (1)
- 23 are in addition to amounts available under any other pro-
- 24 vision of law to carry out this section.
- 25 "(g) Definitions.—In this section:

- 1 "(1) APPROPRIATE CONGRESSIONAL COMMIT-2 TEES.—The term 'appropriate congressional com-3 mittees' means the Committee on International Re-4 lations of the House of Representatives and the 5 Committee on Foreign Relations of the Senate.
- 6 "(2) UNITED STATES-SUPPORTED MICRO7 FINANCE INSTITUTION.—The term 'United States8 supported microfinance institution' means a finan9 cial intermediary that has received funds made avail10 able under this Act for fiscal year 1980 or any sub11 sequent fiscal year.".

12 SEC. 7. REPORT RELATING TO FUTURE DEVELOPMENT OF

- 13 MICROFINANCE INSTITUTIONS.
- 14 (a) Report.—Not later than 180 days after the date
- 15 of the enactment of this Act, the President, in consultation
- 16 with the Administrator of the United States Agency for
- 17 International Development, the Secretary of State, and
- 18 the Secretary of the Treasury, shall prepare and transmit
- 19 to the appropriate congressional committees a report on
- 20 the most cost-effective methods for increasing the access
- 21 of poor people to credit, other financial services, and re-
- 22 lated training.
- (b) Contents.—The report described in subsection
- 24 (a)—

- 1 (1) should include how the President, in con-2 sultation with the Administrator of the United 3 States Agency for International Development, the Secretary of State, and the Secretary of the Treasury, will jointly develop a comprehensive strategy for 5 6 advancing the global microenterprise sector in a way 7 that maintains market principles while assuring that 8 the very poor, particularly women, obtain access to 9 financial services; and 10 (2) shall provide guidelines and recommenda
 - tions for—
 - (A) instruments to assist microenterprise networks to develop multi-country and regional microlending programs;
 - (B) technical assistance to foreign governments, foreign central banks and regulatory entities to improve the policy environment for microfinance institutions, and to strengthen the capacity of supervisory bodies to supervise microcredit institutions;
 - (C) the potential for federal chartering of United States-based international microfinance network institutions, including proposed legislation;

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- 1 (D) instruments to increase investor con2 fidence in microcredit institutions which would
 3 strengthen the long-term financial position of
 4 the microcredit institutions and attract capital
 5 from private sector entities and individuals,
 6 such as a rating system for microcredit institu7 tions and local credit bureaus;
 - (E) an agenda for integrating microfinance into United States foreign policy initiatives seeking to develop and strengthen the global finance sector; and
 - (F) innovative instruments to attract funds from the capital markets, such as instruments for leveraging funds from the local commercial banking sector, and the securitization of microloan portfolios.
- 17 (c) Appropriate Congressional Committees De-18 Fined.—In this section, the term "appropriate congres-19 sional committees" means the Committee on International 20 Relations of the House of Representatives and the Com-21 mittee on Foreign Relations of the Senate.

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1	SEC. 8. UNITED STATES AGENCY FOR INTERNATIONAL DE-
2	VELOPMENT AS GLOBAL LEADER AND COOR-
3	DINATOR OF BILATERAL AND MULTILATERAL
4	MICROENTERPRISE ASSISTANCE ACTIVITIES.
5	(a) FINDINGS AND POLICY.—The Congress finds and
6	declares that—
7	(1) the United States can provide leadership to
8	other bilateral and multilateral development agencies
9	as such agencies expand their support to the micro-
10	enterprise sector; and
11	(2) the United States should seek to improve
12	coordination among G-7 countries in the support of
13	the microenterprise sector in order to leverage the
14	investment of the United States with that of other
15	donor nations.
16	(b) Sense of the Congress.—It is the sense of
17	the Congress that—
18	(1) the Administrator of the United States
19	Agency for International Development and the Sec-
20	retary of State should seek to support and strength-
21	en the effectiveness of microfinance activities in
22	United Nations agencies, such as the International
23	Fund for Agricultural Development (IFAD) and the
24	United Nations Development Program (UNDP),
25	which have provided key leadership in developing the
26	microenterprise sector; and

1	(2) the Secretary of the Treasury should in-
2	struct each United States Executive Director of the
3	Multilateral Development Banks (MDBs) to advo-
4	cate the development of a coherent and coordinated
5	strategy to support the microenterprise sector and
5	an increase of multilateral resource flows for the
7	purposes of building microenterprise retail and
8	wholesale intermediaries.
	Passed the House of Representatives April 13, 1999.
	Attest:

Clerk.